

# **EXHIBIT C**



UNITED STATES OF AMERICA  
**FEDERAL TRADE COMMISSION**  
WASHINGTON, D.C. 20580

Bureau of Competition  
Health Care Division  
400 7<sup>th</sup> Street, SW  
Washington, D.C. 20024

Tim Kamal-Grayson  
Attorney

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September 8, 2023

**By Electronic Mail**

Amanda Wait  
Norton Rose Fulbright  
799 9th Street NW, Suite 1000  
Washington, DC 20001  
[amanda.wait@nortonrosefulbright.com](mailto:amanda.wait@nortonrosefulbright.com)

Re: FTC Investigation, File No. 201-0031

Dear Amanda:

The Commission is considering a staff recommendation to file a complaint under Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45, and Section 7 of the Clayton Act, 15 U.S.C. § 18, related to the above-referenced investigation. This letter is to inform you that if the Commission files such a complaint, that complaint may contain some information derived from non-public sources, including information provided by Envision Healthcare (“Envision”) during the investigation. We do not believe that any of this information constitutes trade secret or other financial or commercial information that is privileged or confidential, the public disclosure of which would result in serious competitive injury to Envision. *See* Federal Trade Commission Act § 6(f), 15 U.S.C. § 46(f); Commission Rule 4.10(g)(3); Fed. R. Civ. P. 26(c)(1)(G). Nonetheless, I am providing Envision with advance notice that the Commission complaint may disclose the following information. *See* Commission Rule 4.10(g)(1).

Please let me know before September 15, 2023 if Envision intends to seek a protective order to prevent disclosure of the following, including any portions thereof:

1. In early January 2014, USAP, Pinnacle, Envision, and EmCare signed an agreement formalizing their deal. USAP agreed to pay EmCare \$9 million each year until December 2019 so that EmCare would end its relationship with Pinnacle. For that same time period, Envision agreed not to compete against USAP for anesthesiology services in the Dallas-Fort Worth area. USAP, in turn, agreed to not interfere with

Envision's provision of "outsourced facility-based physician services" in the same area.

Please do not hesitate to contact me, either by phone or by email, with any questions related to any of the information discussed above.

Sincerely,

*/s/ Tim Kamal-Grayson*

Tim Kamal-Grayson